

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALLERTEIN THERAPEUTICS, LLC,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-16-152-F
)	
ARL BIOPHARMA, INC.,)	
)	
Defendant.)	

J U D G M E N T

This action came on for trial before the court and a jury, Stephen P. Friot, District Judge, presiding, on plaintiff's remaining claims against defendant and on defendant's counterclaims, and the issues having been duly tried as to plaintiff's remaining claims and defendant's counterclaims and the jury having duly rendered its verdict and the court having addressed the issues of pre-judgment and post-judgment interest and the court having previously dismissed plaintiff's claims against defendant for negligence and gross negligence,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff, Allertein Therapeutics, LLC, against defendant, ARL Biopharma, Inc., for actual damages in the sum of \$377,989 on plaintiff's claims for breach of contract and violation of the Oklahoma Consumer Protection Act. In accordance with 28 U.S.C. § 1961(a), plaintiff, Allertein Therapeutics, LLC, shall recover post-judgment interest from today's date as the date of entry of the judgment at the rate of 1.79 percent per annum.


IT IS ALSO ORDERED AND ADJUDGED that judgment is entered in favor of defendant, ARL Biopharma, Inc., for actual damages in the sum of \$88,145 on

defendant's counterclaims for breach of contract and unjust enrichment. In accordance with 23 O.S. § 6, defendant, ARL Biopharma, Inc., shall recover pre-judgment interest at the rate of six percent per annum for damages attributable to the amounts due, from the dates indicated, with respect to the following invoices: M2161 (\$5,850.00 from April 11, 2015), M2312 (\$350.00 from June 13, 2015) and M2313 (\$4,400.00 from June 13, 2015), all of such interest to accrue from the respective due dates on those invoices until the date of this judgment.

IT IS ADDITIONALLY ORDERED AND ADJUDGED that judgment is entered in favor of defendant, ARL Biopharma, Inc., against plaintiff, Allertein Therapeutics, LLC, on plaintiff's claims against defendant for negligence and gross negligence, negligent misrepresentation, constructive fraud and deceit.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff, Allertein Therapeutics, LLC, and defendant, ARL Biopharma, Inc., shall recover their taxable costs as provided by law.

DATED at Oklahoma City, Oklahoma, this 26th day of January, 2018.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE